

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on August 4, 2004, and the references cited therewith.

No claims are amended, canceled or added; as a result, claims 1-20 are now pending in this application.

§103 Rejection of the Claims

Claims 1-11, 14 and 17-20 were rejected under 35 USC § 103(a) as being unpatentable over Cox et al. (US 6,278,792). In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)). Applicant respectfully traverses the rejection because the cited reference does not teach each and every element of Applicant's claims.

For example, independent claim 1 recites "watermarking at least a portion of the original multimedia content source at least two times, each time with a different watermark to generate a different watermarked version of the original multimedia content source." The Office Action asserts that the Abstract in Cox teaches the insertion of multiple watermarks. Applicant respectfully disagrees with this assertion. The Abstract in Cox states that "the same watermark signal can be distributed throughout the set of blocks in a large variety of ways" (emphasis added). Thus rather than creating multiple watermarked versions with a different watermark, Cox teaches the insertion of the same watermark W multiple times in a single version.

Furthermore, the Office Action admits that Cox does not disclose "generating a final watermarked content source by utilizing the different watermarked versions of the original multimedia content source." The Office Action cites column 8, lines 53-56 as teaching extraction of a watermark V, determining a signal that is highly correlated with watermark W,

and states that “the techniques taught by Cox perform a similar method of generating a final watermark.” Applicant respectfully disagrees that the method taught by Cox is so similar as to teach “generating a final watermarked content source by utilizing the different watermarked versions of the original multimedia content source.” At best, Cox uses a single version, not different watermarked versions to generate a final watermarked source. Cox describes the vector V as “a vector value extracted from an image, where the element V[k] corresponds to W[k]” (see column 5, lines 40-42). Thus V is a vector that is extracted from the original source, and not a different watermark inserted into the source as recited in Applicant’s claim 1.

For the above reasons, Cox does not teach each and every element of Applicant’s claim 1. Applicant respectfully requests consideration and the withdrawal of the rejection of claim 1.

Claims 2-11, 14 and 17-20 depend either directly or indirectly from claim 1 and inherit the elements of claim 1 while adding further patentable distinctions. Dependent claims 2-11, 14 and 17-20 are therefore allowable for the same reasons as discussed above with respect to claim 1.

Additionally, claim 2 recites “substituting at least a portion of the final watermarked content source with a corresponding at least a portion of at least one of the different watermarked versions of the original multimedia content source.” The Office Action asserts that Cox at column 3, lines 25-30 teaches the recited language. Applicant respectfully disagrees with this interpretation of Cox. The cited section merely states that portions of a single watermark may be distributed across multiple blocks of an image, and that these portions may be combined to form a single composite watermark. Thus rather substituting portions from different watermarked versions, Cox merely teaches a composite watermark in a single watermarked version. As a result, Cox does not teach each and every element of Applicant’s claim 2. Applicant respectfully requests the withdrawal of the rejection of claim 2.

Claim 3 recites “selecting one of the different watermarked versions of the original multimedia content source as the final watermarked content source.” The Office Action asserts that Cox, at column 8, lines 53-56 teaches the recited language. The cited section refers to imbedding watermarks in different groups of the same multimedia content, it does not teach selecting different watermarked versions of the original multimedia content. As a result, Cox

does not teach each and every element of Applicant's claim 3. Applicant respectfully requests the withdrawal of the rejection of claim 3.

Claim 4 recites generating at least two watermarked versions, a registered version and a not-registered version. As discussed above, Cox does not teach multiple versions of a watermarked source. Furthermore, as used in Applicant's specification, the term "registered" refers to the act of registering access levels to a user (see specification at page 10, lines 14-23). In contrast, Cox refers to a registration pattern as "a pattern (referred to as a "registration pattern") which can be inserted at the time of watermark insertion" (see column 15, lines 37-39). Thus Cox is using the term registration in a different way than Applicant's specification. As a result, Cox does not teach two watermarked versions, one a registered version and the other a not-registered version. Applicant respectfully requests the withdrawal of the rejection of claim 4.

Claims 5 and 6 recite language related to receiving requests for multimedia content and sending watermarked content in response to the request. With respect to claims 5 and 6, the Office Action cites Cox at column 8, lines 12-18 as teaching the elements of claims 5 and 6. The cited section of Cox makes no reference whatsoever to receiving requests for content and sending watermarked content in response to a request, nor does the cited section refer to registered or non-registered content. Additionally, as discussed above, Cox uses registration in a different way than Applicant's specification. As result, Cox does not teach each and every element of claims 5 and 6. Applicant respectfully requests the withdrawal of the rejection of claims 5 and 6.

Claims 7-9 recite elements related to registered or non-registered multimedia content. As discussed above, Cox does not use the term "register" in the same way as Applicant's specification and claims. Therefore Cox does not teach registered or not-registered watermarks. As a result, Cox does not teach each and every element of Applicant's claims 7-9, and therefore Applicant respectfully requests the withdrawal of the rejection of claims 7-9.

Claim 10 recites "selecting one of the different watermarked versions of the original multimedia content source as the final watermarked content source." As discussed above, Cox teaches watermarking a single version of content, and does not teach different watermarked

version of content. Therefore Cox does not teach each and every element of claim 10. Applicant respectfully requests the withdrawal of the rejection of claim 10.

Claim 11 recites a watermarked version having a “no-copy-restriction” watermark and a watermarked version having a “no-copy-allowed” watermark. The Office Action admits that Cox does not explicitly disclose the recited language. The Office Action cites Cox at column 9, lines 53-56, but provides no explanation of structure or function in Cox that corresponds to a no-copy-restriction watermark or a no-copy-allowed watermark. Further, as discussed above, Cox discloses watermarking a single version of image data, Cox does not teach or disclose using multiple watermarked version of multi-media content as recited in Applicant’s claim 11. As a result, Cox does not teach or disclose each and every element of claim 11. Applicant respectfully requests the withdrawal of the rejection of claim 11.

Claim 14 recites “combining at least a portion of at least two of the different watermarked versions of the original multimedia content source.” As discussed above, Cox teaches watermarking a single version of content, it does not teach multiple different watermarked versions. As a result, Cox does not teach each and every element of claim 14. Applicant respectfully requests the withdrawal of the rejection of claim 14.

Claims 17-20 were rejected using similar rationale to the rejection of claims 1-4. Applicant respectfully submits that claims 17-20 are allowable for the same reasons as discussed above with respect to claims 1-4. Applicant respectfully requests the withdrawal of the rejection of claims 17-20.

Finally, the Examiner rejected claims 1-11, 14 and 17-20 based on solely on Cox. Applicant respectfully traverses the single reference rejection under 35 U.S.C. § 103 since as discussed above, not all of the recited elements of the claims are found in Cox. Since all the elements of the claims are not found in the reference, Applicant assumes that the Examiner is taking Official Notice of the missing elements. In order to preserve Applicant’s rights on any potential appeals, Applicant respectfully objects to the taking of Official Notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Applicant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of the apparent Official Notice.

Allowable Subject Matter

Applicant notes with appreciation that claims 12, 13, 15 and 16 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As argued above, Applicant believes that the respective base claims of claims 12, 13, 15 and 16 are also allowable. Therefore Applicant will defer potentially rewriting claims 12, 13, 15 and 16 until the allowance status of the respective base claims is resolved.

Conclusion

Applicant respectfully submits that the pending claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

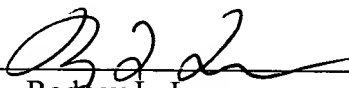
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Date February 4, 2004

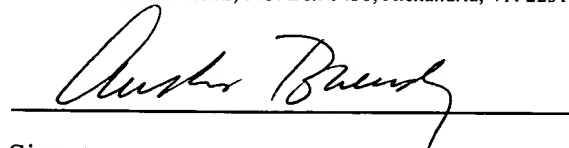
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4 day of February, 2004.

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